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19 IN THE UNITED STATES DISTRICT COURT
20 FOR THE NORTHERN DISTRICT OF CALIFORNIA
21 SAN JOSE DIVISION

22 **VIDEO SOFTWARE DEALERS ASSOCIATION
23 and ENTERTAINMENT SOFTWARE
ASSOCIATION,**

24 Plaintiffs,

25 v.

26 **ARNOLD SCHWARZENEGGER, in his official
27 capacity as Governor of the State of California;
BILL LOCKYER, in his official capacity as
Attorney General of the State of California;
GEORGE KENNEDY, in his official capacity as
Santa Clara County District Attorney, RICHARD
DOYLE, in his official capacity as City Attorney for
the City of San Jose, and ANN MILLER RAVEL, in
her official capacity as County Counsel for the
County of Santa Clara,**

28 Defendants.

29 C 05 4188 RMW RS

30 [proposed] ORDER GRANTING
31 THE GOVERNOR AND
32 ATTORNEY GENERAL'S
33 MOTION FOR SUMMARY
34 JUDGMENT

35 Motion by defendants Governor Arnold Schwarzenegger and Attorney General Bill
36 Lockyer (the "State") for summary judgment, pursuant to Rule 56(b) of the Federal Rules of
37 Civil Procedure and L.R. 56-1, came on regularly for hearing on May 12, 2006, in courtroom 6

1 of the above-entitled Court, the Honorable Ronald M. Whyte, presiding. After reviewing the
2 moving, opposition, and reply papers, and all supporting documents, and considering the
3 arguments of counsel, and GOOD CAUSE APPEARING THEREFORE,

4 IT IS HEREBY ORDERED ADJUDGED AND DECREED that the State's motion for
5 summary judgment is granted in its entirety as to each and every cause of action set forth in the
6 complaint, and the preliminary injunction entered on December 21, 2005 is hereby lifted. The
7 State has demonstrated that, as a matter of law, the challenged act (California Civil Code
8 sections 1746 - 1746.5) does not violate the First Amendment, is not impermissibly vague, does
9 not impermissibly compel speech, and does not violate the Equal Protection Clause. Judgment
10 shall be entered in favor of the State on all causes of action.

11 **SO ORDERED**

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13 Dated: _____, 2006

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15 Hon. Ronald M. Whyte
16 District Court Judge
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